

Notice of Allowability

Application No.

09/734,839

Examiner

DIANE D. MIZRAHI

Applicant(s)

LUDTKE ET AL.

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-4-06.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10-4-06.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DIANE MIZRAHI
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Sue Holloway October 4, 2006.

The application has been amended as follows:

1. (Currently Amended) A computer-implemented method comprising:
authorizing, by a device, an authorized user access to ~~a~~the device based on biometric identification information associated with the authorized user, wherein the device is operable by only one authorized user at a time;
receiving ~~from a first remote source~~, by the device, a message from a first remote source, the first remote source generating the message from the authorized user's private access information stored on the first remote source~~associated with a second remote source~~;
and
automatically sending, by the device over a voice network, the message ~~authorized user's private access information to the~~ a second remote source to enable the authorized user to access remote data stored on the second remote source, wherein the remote data is private information for the authorized user.
2. (Currently Amended) The computer-implemented method of claim 1 further comprising establishing a connection between the voice network and the device, wherein the device is a consumer access device.
3. (Currently Amended) The computer-implemented method of claim 2 wherein the consumer access device is selected from the group consisting of digital wallet devices,

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personal computers, personal digital assistants, electronic based organizers, watches, telephones, autodialers, wireless telephones, settop boxes, video game consoles, remote control units, personal radio communication units, telematic communication devices, information panels, and kiosks.

4. (Currently Amended) The computer-implemented method of claim 2 further comprising enabling the authorized user to conduct a transaction using the consumer access device.

5. (Currently Amended) The computer-implemented method of claim 1, further comprising: accessing the remote data through a privacy clearing house server; and transferring the remote data.

6. (Currently Amended) The computer-implemented method of claim 5, wherein the remote data further comprises:
a password associated with the authorized user.

7. (Currently Amended) The computer-implemented method of claim 5 wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure .

8. (Currently Amended) An apparatus comprising:

a biometric device to identify an authorized user based on biometric identification information associated with the user; and

a consumer access device connected to the biometric device to enable the authorized user to receive a message from a first remote source, the first remote source generating the message from the authorized user's private access information stored on the first remote source ~~associated with the authorized user from a first remote source~~, and to automatically send, over a voice network, the private access information message to a second remote source to enable the authorized user to access remote data stored on the second remote source, wherein the remote data is private information for the authorized user, and the

consumer device is operable by only one authorized user at a time.

9. (Currently Amended) An apparatus comprising:

means for authorizing a user based on biometric identification information associated with the user, wherein the apparatus is operable by only one authorized user at a time;

means for receiving a message from a first remote source, the message generated by the first remote source from the authorized user's private access information from a first remote source stored on the first remote source; and

means for automatically sending, over a voice network, the private access information message to a second remote source to enable the authorized user to access remote data stored on the second remote source, wherein the remote data is private information for the authorized user.

10. (Previously Presented) The apparatus of claim 9, further comprising means for presenting the information to the authorized user on a consumer access device selected from the group consisting of digital wallet devices, personal computers, personal digital assistants, electronic based organizers, watches, telephones, wireless telephones, settop boxes, video game consoles, remote control units, personal radio communication units, telematic communication devices, information panels, and kiosks.

11. (Currently Amended) A machine-readable program storage medium tangibly embodying a sequence of instructions executable by a machine to perform a method for communicating, the method comprising:

authorizing, by a device, an authorized user access to a the device based on biometric identification information associated with the authorized user, wherein the device is operable by only one authorized user at a time;

receiving from a first remote source, by the device, a message from a first remote source, the message generated by first remote source from the authorized user's private access information stored on the first remote source associated with a second remote source;
and

sending, by the device over a voice network, the ~~authorized user's private access information~~ message to the a second remote source to enable the authorized user to access remote data stored on the second remote source, wherein the remote data is private information for the authorized user.

12. (Currently Amended) A system comprising:

a memory for storing computer program instructions and data; and
a processor coupled to the memory for processing the computer program instructions and data to:

authorize an authorized user based on biometric identification information associated with the authorized user, wherein the system is operable by only one authorized user at a time;

receive a message from a first remote source, the message generated by the first remote source from the authorized user's private access information stored on the first remote source ~~associated with a second remote source~~; and

automatically send, over a voice network, the authorized user's private access information ~~message to the a second remote source to enable the authorized user to access remote data stored on the second remote source, wherein the remote data is private information for the authorized user.~~

13. (Currently Amended) An apparatus for communication, the apparatus comprising:

means for authorizing an authorized user based on biometric identification information associated with the authorized user, wherein the apparatus is operable by only one authorized user at a time;

means for receiving a message from a first remote source, the message generated by the first remote source from the authorized user's private access information stored on the first source and associated with a second remote source; and

means for automatically sending, over a voice network, the authorized user's private access information message to the second remote source to enable the authorized user to access remote data stored on the second remote source, wherein the remote data is private

information for the authorized user.

14. (Previously Presented) The apparatus of claim 13, further comprising the device selected from the group consisting of digital wallet devices, personal computers, personal digital assistants, electronic based organizers, watches, telephones, wireless telephones, settop boxes, video game consoles, remote control units, personal radio communication units, telematic communication devices, information panels, and kiosks.

15. (Currently Amended) A system comprising:

a consumer access device operable by only one authorized user at a time;

a biometric device to authorize a user access to the consumer access device; and

a storage unit to store ~~private access information associated with an authorized user~~ a message received from a first remote source, the message generated by the first remote source from the authorized user's private access information stored on the first remote source,

wherein the consumer access device ~~to automatically sends~~, over a voice network, the ~~private access information message~~ to a second remote source to enable the authorized user to access remote data stored on the second remote source, and wherein the remote data is private information for the authorized user.

16. (Previously Presented) The system of claim 15 further comprising:

a communications unit coupled to the consumer access device to communicate prespecified information upon biometric identification of the authorized user.

17. (Previously Presented) The system of claim 16, wherein the output of the communications unit is encrypted.

18. (Previously Presented) The system of claim 15 wherein the consumer access device allows automatic receipt and updating of the private access information stored in the storage unit.

19. (Original) The system of claim 15 further comprising establishing a secure communication link with the consumer access device before allowing transfer of information.

20. (Original) The system of claim 15 further comprising a wireless communications unit.

21. (Currently Amended) An apparatus comprising:

means for biometric identification to authorize a user, wherein the apparatus is operable by only one authorized user at a time;

means for displaying information to an authorized user;

means for receiving ~~private access information~~ a message from a first remote source, the message generated by the first remote source from the authorized user's private access information stored on the first remote source;

means for accepting authorized user input; and

means for automatically sending, over a voice network, the ~~private access information~~ message to a second remote source to enable the authorized user to access remote data stored on the second remote source, wherein the remote data is private information for the authorized user.

22. (Previously Presented) The apparatus of claim 21 further comprising:

means for sending via tones.

23. (Original) The apparatus of claim 22 wherein the tones are communicated over a telephony-based system.

Allowable Subject Matter

Claims 1-23 are allowed over the prior art made of record.

Comments

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

As allowable subject matter has been indicated, Applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CRF 1.111(b) and MPEP section 707.07(a).

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at

<http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

October 4, 2006